

Minutes of Land Use, Parks and Environment (LUPE) Committee
Tuesday, August 19, 2014

Chair Kolb called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

Committee Present: Supervisors Walter Kolb, Jim Batzko, Eric Highum, Pauline Jaske, and Tom Schellinger and Jennifer Grant. **Absent:** Keith Hammitt.

Also Present: Legislative Policy Advisor Sarah Spaeth, Administrative Specialist Karen Phillips, Planning and Zoning Manager Jason Fruth, Community Development Coordinator Kristin Silva, Park System Manager Duane Grimm, Land Resources Manager Perry Lindquist, Solid Waste Supervisor Rebecca Mattano, Attorney Kim Haines and Cory O'Donnell of Neumann Companies.

Approve Minutes of July 15, 2014

MOTION: Schellinger moved, second by Batzko to approve the minutes of July 15, 2014. Motion carried 5-0.

Executive Committee Report of August 18, 2014

Kolb summarized the items discussed at the August 18 Executive Committee meeting:

- The ordinance relative to the collaborative materials recycling facility capital project relating to transfer station cost, also on today's agenda, was put on hold until further information is obtained.
- The ordinance relative to the amendment of the Waukesha County Code of Ordinances regarding the library tax levy distribution formula was approved.
- Updates on University of Wisconsin – Waukesha and the Waukesha-Ozaukee-Washington Workforce Development Board were presented.
- Two appointments were approved.

Future Meeting Dates

- September 16, 2014 (Capital Projects Review and Regular Business)
- October 7, 2014 (Operating Budget Reviews)
- October 21, 2014 (Regular Business)

Legislative Update

Spaeth stated that legislative study committees are continuing to meeting. She will be attending the Problem Solving Court, Alternatives and Diversions study committee meeting in Madison tomorrow.

Ordinance 169-O-049: Amendment Of Collaborative Materials Recycling Facility (MRF) Capital Project 201409 Relating To Transfer Station Cost

Lindquist stated this ordinance would modify the scope of the MRF capital plan to eliminate the transfer station capital project costs, which were budgeted at \$600,000. However, as discussed at the Executive Committee meeting yesterday, unanticipated circumstances were encountered during excavation at the project site. Concrete-filled steel pilings were discovered about 10-feet under the floor of Milwaukee's existing facility. After a remediation cost estimate becomes available, a similar ordinance with revised language (to include change order costs) will be presented for consideration.

Jaske arrived at 8:38 a.m.

In response to Kolb's question about a possible cost estimate, Lindquist stated he would have a better idea after attending the construction update meeting on Thursday.

Jaske asked if the additional costs would come out of the contingency fund. Lindquist stated yes, costs would come out of the County's contingency fund. Lindquist further clarified to Grant that the additional contingency funding would come out of the MRF fund balance, not tax levy. There are sufficient funds available to cover these unexpected costs.

Grant asked what would become of the abandoned MRF facility in Waukesha. Lindquist stated that no decision has been made, but any future plans for the MRF site would be presented to the County Board for consideration.

The committee complied with Lindquist's request that no action be taken on this ordinance at this time.

Ordinance 169-O-040: Execute Subgrantee Agreements And HUD Grant Agreement For Community Development Block Grant (CDBG) And Home Investment Partnership (HOME) Programs For The 2015 Program Year

Silva was present to discuss this ordinance which approves the 2015 annual allocation plan for CDBG and HOME programs. This is an estimate of anticipated funds for 2015, based upon 2014 funding amounts. If the final Federal appropriation amount is greater than the estimated amount of \$3,055,813, an ordinance to appropriate the additional funding will require future County Board approval.

Silva provided a high level overview of the CDBG and HOME programs. She answered questions raised relative to specific agencies' projects and allocations.

Schellinger asked if the Waukesha County Historical Museum requested any funds. Silva stated no, the museum did not request funding for 2015.

MOTION: Jaske moved, second by Schellinger to approve Ordinance 169-O-040. Motion carried 6-0.

Ordinance 169-O-041: Approve A Distribution Easement To Wisconsin Electric Power Company For Underground Utility Service

MOTION: Schellinger moved, second by Jaske to approve Ordinance 169-O-041.

Grimm discussed this ordinance which grants the Wisconsin Electric Power Company an easement to install, operate, maintain, repair, replace and extend underground electrical utilities on Nagawaukee Golf Course. Grimm stated the 15-foot wide easement runs through a corner of the golf course and the course would not be adversely affected.

Motion carried 6-0.

Resolution 169-R-003: Amend The Regional Water Quality Management Plan For The Village Of Hartland And Lake Pewaukee Sanitary District, Waukesha County, Wisconsin

Fruth reviewed this resolution which amends the Regional Water Quality Management Plan and detaches lands from the Hartland Sewer Service area and adds those lands to the Pewaukee Lake Sanitary District to allow for the development of 26-acres of agricultural lands, proposed to be part of a larger 151-acre single family subdivision.

MOTION: Schellinger moved, second by Batzko to approve Resolution 169-R-003. Motion carried 6-0.

Ordinance 169-O-042: Amend The District Zoning Map Of The Town Of Waukesha Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 14, T6N, R19E, Town Of Waukesha, Waukesha County, Wisconsin, From The R-1 Single Family Residence And C-1 Conservancy Districts To The P-1 Park, Recreation And Public And C-1 Conservancy Districts (ZT-1764)

Fruth discussed this ordinance which will rezone lands that are subject to the Town of Waukesha Zoning Code to allow for a baseball complex to operate as permitted use within the P-1 Park, Recreation and Public District.

Fruth explained the County's role is to examine the zoning designation; it is the Town's responsibility to review the site plan operation and to administer the permits, which include hours of operation and lighting regulations. Planning and zoning staff recommends approval of this ordinance.

MOTION: Batzko moved, second by Schellinger to approve Ordinance 169-O-042. Motion carried 6-0.

Ordinance 169-O-043: Amend The Waukesha County Shoreland And Floodland Protection Ordinance District Zoning Map Of The Town Of Merton By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼ Of Section 31, T8N, R18E, Town Of Merton, Waukesha County, Wisconsin, From The R-1 Residential District To The R-3 Residential District (SZ-1785)

Fruth discussed this ordinance which allows for a rezone in the Town of Merton under the Shoreland and Floodland Projection Ordinance for the division of a parcel on Okauchee Lake. The division would create two single family building sites, both of which would have conforming locations relative to shore setback.

Fruth reviewed the conditions related to shore buffer, elevation, drainage issues and the shared driveway. Planning and zoning staff recommend approval of this ordinance subject to conditions outlined in the staff report, which also notes that the rezoning would help facilitate the removal of an existing home that is non-conforming relative to shore setback.

MOTION: Highum moved, second by Jaske to approve Ordinance 169-O-043. Motion carried 6-0.

Ordinance 169-O-044: Amend The District Zoning Map Of The Town Of Brookfield Zoning Code By Rezoning Certain Lands Located In Part Of The SE ¼ Of Section 30, T7N, R20e, Town Of Brookfield, Waukesha County, Wisconsin, From The B-3 Office And Professional Business District To The B-2 Limited General Business District (ZT-1789)

Fruth discussed this ordinance which rezone lands that are subject to the Town of Brookfield Zoning Code to allow for a hotel to be developed on vacant lands in the I-94 corridor.

A Hilton extended-stay hotel has been proposed for development on this subject property. Current zoning does not allow for a hotel in this area. Planning and zoning staff recommends approval of the rezoning request, as it is consistent with the County and Town land use plans and allows for new investment and re-development in this highly visible part of the Town of Brookfield.

MOTION: Schellinger moved, second by Grant to approve Ordinance 169-O-044. Motion carried 6-0.

Ordinance 169-O-045: Amend The District Zoning Map Of The Town Of Delafield Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The W ½ Of The SW ¼ Of Section 11, T7N, R18E, Town Of Delafield, Waukesha County, Wisconsin, From The A-2 Rural Home District With A C-1 Conservancy Overlay District To The R-1 Residential District With A C-1 Conservancy Overlay District (ZT-1790)

Fruth discussed this ordinance which rezones lands that are subject to the Town of Delafield Zoning Code to allow for the development of an 80-lot subdivision as a Planned Unit Development (PUD) on a 151-acre parcel.

In response to Jaske's question, Fruth stated the lots would be served by public sewers and private wells. Investigation of well logs revealed there would be no adverse effect on any existing wells in the area. The relatively low density development of 80 lots on a 151-acre site would present no negative impact; all building envelopes are located outside of the environmental corridor. Planning and zoning staff recommends approval of the rezone request subject to the conditions listed in the staff report.

MOTION: Jaske moved, second by Grant to approve Ordinance 169-O-045. Motion carried 6-0.

Ordinance 169-O-046: Amend The Waukesha County Zoning Code By Repealing And Recreating Section 6.7 Relative To Environmental Corridor Regulations, Section 2.02(31) And 2.02(32) Relative To EC Definitions, Sections 3.08(7)(B), 3.08(7)(KK), 3.08(7)(P)(2)(a), 3.08(7)(P)(2)(b) And 3.08(7)(P)(2)(g) Relative To Conditional Uses As They Relate To The EC District And Sections 9.04(1)(B) And Section 9a.04(1)(B) Relative To Floor Area Ratio In The R-1 and R-1a Residential Districts (CZ-1459H)

Fruth discussed this ordinance which amends the Waukesha County Zoning Code relating to Environmental Corridor (EC) District regulations and definitions and some Conditional Use provisions that relate to the EC District. This ordinance also increases the maximum floor area ratio requirements within the R-1 and R-1a Residential Districts to match the thresholds of the Shoreland Ordinance. These changes will allow for slightly more disturbance of the EC for small lots of record and lots that are partially zoned EC.

In response to Grant's question, Fruth expounded on the types and densities of environmental corridor. He clarified that this ordinance does not designate any environmental corridor. The R-1 and R-1a District amendments bring zoning code requirements in line with the Waukesha County Shoreland and Floodland projection Ordinance requirements and will provide a more reasonable amount of available building square footage for parcels within those districts that are subject to the County Zoning Code. Planning and zoning staff recommends approval of this ordinance.

MOTION: Jaske moved, second by Schellinger to approve Ordinance 169-O-046. Motion carried 6-0.

Ordinance 169-O-047: Amend The Waukesha County Shoreland And Floodland Protection Ordinance To Repeal And Recreate Section 9 Relative To EC Environmental Corridor District Regulations And Sections 2(b)(48) And 2(b)(49) Environmental Corridor Definitions (SZ-1459J)

Fruth discussed this ordinance which amends the Waukesha County Shoreland and Floodland Protection Ordinance relating to EC District regulations and definitions. The language of Ordinances 169-O-046 and 169-O-047 are very similar. The difference is that 169-O-047 excludes a change to the R-1 and R-1a Districts and a specification relative to tree removal restrictions.

MOTION: Highum moved, second by Batzko to approve Ordinance 169-O-047. Motion carried 6-0.

Ordinance 169-O-048: Amend The Text Of The Town Of Delafield Zoning Code To Repeal And Recreate Section 17.05 5.AM.2.d. (6) Relating To Conditions Under Which Residential Planned Unit Developments Are Permitted (ZT-1792)

Fruth discussed this ordinance which authorizes text amendments to the Town of Delafield Zoning Code to allow for Planned Unit Developments (PUD) to be considered on parcels smaller than 20 acres in limited situations via a Conditional Use process. Planning and zoning staff recommends approval of this ordinance. The proposed amendment would allow additional flexibility that would help facilitate expansions of existing conservation design or PUD neighborhoods in appropriate settings.

MOTION: Jaske moved, second by Highum to approve Ordinance 169-O-048. Motion carried 6-0.

Appointment 169-A-024: Nate Rice To The Upper Nemahbin Lake Management District

MOTION: Batzko moved, second by Jaske to approve Appointment 169-A-024. Motion carried 6-0.

MOTION: Grant moved, second by Batzko to adjourn the meeting at 10:07 a.m. Motion carried 6-0.

Respectfully submitted,

Jennifer Grant
Secretary